G. R. S. IX-5]

Previous references.

1888

191 .

(Land)

LR **File No. 39-88**

Serial Nos. 1-3

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-3

Major ~~Part~~ B ~~for~~

SUBJECT.

Petition of Thimmappa Gowda Vs Inam lands in Shikarpur Taluk

W D 68—GPB—50,000—24-7-16

Read letter from the
Dy Comr Shemuga
dated 31st July 1889

Under the circumstances
stated in the letter read
above, the Govt direct
that Survey no 57 be
registered jointly in the names
of all the sharers who
may wish to retain
the land. They will be
jointly & severally responsible
for the assessment due on
the land which may
be shown as Sodi in
the accounts.—

2. After the land is
registered jointly in the
names of the several
sharers, no relinquishment
from a single sharer shall
be accepted without the
consent of all the others.
If the Sodi is not paid,

Put the
letter
Ld

that land should be
declared forfeited to
Govt & the same sold
at Public auction under
Sec 159 of the Revenue Code.

41 8 52

Petition no 340
22d May 1889.

Petitioner
Gowda Hemmappa.
of Senkankoppa
Shekarpur Taluq
Shimoga Dt.

AR 39-88-1

Petitioner complains that a certain Patel Queen standing in the name of one Devappa was relinquished by him, & that on search of the Records being registered as Petitioners name it was incorporated with Govt Lands.—

Petitioner states that although the Queen was in the name of Devappa in fact was partitioned & enjoyed in 7 shares.— The Defendant Sharers did not agree as to in whose name, the Queen should stand & the relinquishment was therefore accepted.—

The Petitioner prays

6/6/89

10/a

be referred to the Dy Commissioner for report — as follows. —

"

Petition No 340 dated 22nd May 1889 presented by Gowda Timmappa of Jenkanapalli in the Shikarpur Taluq is herewith forwarded to the Dy Comr Shimoga for report. —

2. The Dy Commissioner is requested to state whether it is true that the Inam referred to in the Petition was partitioned among the several sharers & each share enjoyed separately before Devappa, the registered holder relinquished the Inam in 1888. — If it was really partitioned & each share separately enjoyed, it seems doubtful whether the relinquishment of the whole Inam by Devappa should be accepted. The Dy Comr relinquishment by portion held by him. —" will explain the circumstances under which the relinquishment of the whole Inam was accepted by him. —

L. D. C. Shimoga Memo No 1319 dt 8/6/89

Thimmappa Gowda No 2-7 dt 31-7-89 232

A Thimbakiah
for Secretary
6/6/89

22-5-88

22-5-88

22-5-88

K. Seshagiri Iyer Esq: B.A. B.L. C.I.E.

Dewan to His Highness the

Maha Raja of Mysore.

The petition Thimmappa bin Saima Nai

Patel of Gireenakop Shikarpur Talug

appeals against the order No 525 of 5/10/88 pas

by the Deputy Commissioner of Shimoga Distr

on the following grounds.

1 That the petitioner & his family

have been enjoying the land as Umblee f

a long time.

2 That only Khatee is in the name

1 Thimmappa Petitioner
2 Saima Virappa
3 Nagappa
4 Siddappa
5 Viranagappa
6 Siwalingappa
7 Siwappa.

Sivappa who relinquished the land in

1888. A partition was effected among

seven marginally noted persons & each

enjoying his portion of the land. After

- quishment the latter sex presented a

that the land should be kept as Umblee

the Deputy Commissioner rejected the petit

3. That formerly the assessment of the lan

was only Rs 8 right. After Polaga Rules ca

into force Rs 15 fifteen which was before en

Line was added

creased to Rs 23 twenty three. No order passed at that time to change Umbli into government land. The mere name Umbli kept in government records for the sake respect and the petitioner requests only for save the name Umbli

That the Order Rule of see: which is quoted in the Assistant report & on which the decision the Deputy Comr is arrived at is applicable cases where there are no claimants & has no reference whatever to the present case.

5 That Kone has agreed to the forfeiture the land to the Government. The objection as to whose name the Word should be gestured. There is no rule that such lands ould by force be changed from Umbli to Government land and moreover there is loss to the Government by keeping it as Umbli

6 That the Deputy Commissioner has failed to apply the rule that when one of several proprietors of land relinquishes, he asked to the others should take it, [illegible] here, they refuse that they all should relinquish it. Though it may be said that the name of other persons are not in the khata the name would be [illegible] a dispute arise

6 a dispute arises among brothers one or
name the khati is can very easily run
by resorting to relinquishment. It seems
-per in such cases to accept the resignatio
of land so far as his share is concerned and
ask others to take it.

7. That the petitioner begs to adduce
support of his case the circular No 85 of 187
issued by the Deputy Commissioner. This
of the procedure in cases where a dispute arise
between the khatedar & his co-proprietors. Th
order has been issued after the correspondence
has been going on between the late D
Commissioner and Survey Superintendent
A reference to this order is necessary in
present case.

8 That it is plainly said in
Survey rules that the khati may be
-tered in the names of more than one pe
when the assessment of the land exceeds
There is no hindrance why the same shou
not be done in the present case

9 That the petitioner has grown valu
trees on his share of the land and in case of
his dispossession he will be put to consi

That the petitioner begs
respectfully your Honor to set aside the
order of the Deputy Commissioner & to pass
order to enter your petitioner's or of all co-
proprietors names in the Khate & to preserve
the name Umbli The petitioner requests your
Honor to pass an order soon as the Deputy Comr
in order to carry out his orders to is taking
steps to put the land to Malki auction

The Deputy Commissioners order is here—
in enclosed.

I beg to remain Sir
Most Honored Sir
Your honor's obedient & humble
servant [illegible]

2nd May 1889.
Shimoga 3

468

ಉಳಿತಾಯ ಖಾತೆ ಸಂ 14-9-88 ರಂದು

ಶಂಕರಪ್ಪ ಎಂಬುವರಿಂದ ಕಾಗದ

ಕೆಳಕಂಡ ಸಂಗತಿಗಳನ್ನು ಪರಿಶೀಲಿಸಿ

ಸೂಕ್ತ ಕ್ರಮ ಕೈಗೊಳ್ಳಲು ಕೋರಿದೆ.

1 ಸುಂಕಾಮಪ್ಪ ರವರ ಖಾತೆಯಲ್ಲಿ

2 ಚಂದ್ರಶೇಖರಪ್ಪ ರವರ ಖಾತೆಯಲ್ಲಿ

3 ಕಾಂತಪ್ಪ ರವರ ಖಾತೆಯಲ್ಲಿ

4 ಬಸವರಾಜಪ್ಪ ರವರ ಖಾತೆಯಲ್ಲಿ

p. 94

KR 89-88-2

Fo 277/252 km 1 with enc:

Deputy Commissioner's Office
Shimoga District,
Dated, Shimoga, 31st July 1889.

No 3420/Revl

To

3786/713 14.8.89

The Chief Secretary
to the Government of
Mysore.

Sir,

Reg. No 340 dated 22.5.89.

In returning the petition of Jemmappa received with your docket No 131 dated 6th Instant regarding the relinquishment of certain Patél Kumbli lands in the Jekkanakoppa village, Shikarpur Taluk, I have the honor to forward herewith the entire proceedings in the case and to state that 4 Survey Nos measuring 115 acres and 29 guntas assessed at Rupees 97 were in the Kh

A. G.	Rs.	a.	P.
16.	33-	31.	23--
26.	20-	28.	17--
35.	28-	10.	34--
47.	33-	0	23--
115-	29.		97--

of Nagappa, and were enjoyed separately by 10 co-sharers (Hennedars), Nagappa being responsible for the whole Kandayam to Government. The lands were called Umbli, but there was no jari from them.

2 In 1887 Nagappa tendered a "Razinama" to Government for the 4 Survey Nos above referred to. The Co-sharers requested that the lands in their respective enjoyment might be entered in their respective Khates; but their request could not be granted, as some one should have been held responsible to pay the total amount of Kandayam due to Government, and accordingly the Amildar was called on to report if any individual among the Co-sharers was willing to have the Khate of the lands registered in his name and pay the Kandayam to Government. Upon this Swappa having

agreed

agreed to the arrangement, and the Co-sharers also having offered no objection, the lands were ordered to be registered in the name of Swappa in 1887.

3. In April 1888 Siwappa resigned Survey Nos 35 and 51. The other Co-sharers not being willing to take up Survey No. 35, the Razinama was accepted, and the land in question was resumed to Government.

4. Petitioner Immappa, one of the Hissedars, came forward and solicited that Survey No. 51 measuring 33 acres and assessed at Rs 23/- might be registered in his name, and said that he would be responsible for the Kandayam due by the other shareholders also. Some of the other Co-sharers having objected to this proposal, and some having applied for the land being registered in their own

own names, an oder was issued to the Amildar directing him to accept the Razinama tendered by Sivappa and enter it as Sircar land in the Books. This oder was passed by the Officiating Deputy Commissioner under Potgi Rule XXVII. It may be noted here that the co-sharers were not holders of recog-nized shares, but it would appear that each co-sharer was in separate anjoyment of his own share.

5. The Survey No. 57, as above remarked, is only nominally Umbli and bears the full berij.

I have the honor tobe

Sir,

Your most obedient servant

M Ramachandra Rao

Deputy Commissioner

DRG

Read NR 39-88-3

Letter from the Dy: Comm^r, Shimoga Dist^t, No. 277/262 dated 31^st July 1889.

— " —

Order thereon No 3756/117 & 148-89/22 V.P.

Under the circumstances stated in the letter read above, the Government direct that Survey No 51 be registered jointly in the names of all the sharers who may wish to retain the land. They will be jointly and severally responsible for the assessment due on the land which may be shown as due in the accounts.

2. After the land is registered jointly in the names of the several sharers, no relinquishment from a single sharer should be accepted without the consent of the remaining shareholders. If the due not paid, the land shou[illegible] be declared for [illegible]ssment and th[illegible]

Read NR 39-86-3

19

Letter from the Dy: Comm
Shimoga Dt., No. 277/262 dated
31st July 1889.

—"—

A

Order thereon No 3756/117 & 148-8/22 Vp.

Under the circumstanc
stated in the letter read above
the Government direct tha
Survey No 51 be registered
jointly in the names of al
the sharers who may wish
retain the land. They will
jointly and severally res
sible for the assessment d
the land which may be
as fodi in the accou
2. After the land
jointly in the n
several sharers. &
ment from
should be the
the consen
share
not.

sold in public auction under section 159 of the Revenue Code.

(General Serial No. 30.)

188 .

From

To

Under Secretary

Dated

Despatched 14/1/89

Received

Enclosures No.

General No.

No.

To The Dy: Comm^r, Shimoga

D H with V. papers.

(Printed)

1570

Proceedings of the Government of His Highness the Maharaja of Mysore (Revenue),—dated 14th August 1889.

READ THE FOLLOWING PAPER :—

From the Deputy Commissioner, Shimoga District, To the Chief Secretary to the Government of Mysore, No. 277-252, dated Shimoga, 31st July 1889.

In returning the petition of Timmappa received with your docket No. 1311 dated 6th instant, regarding the relinquishment of certain Patel umbli lands in the Jekkankoppa village, Shikarpur Taluk, I have the honor to forward herewith the entire proceedings in the case and to state that 4 Survey Nos. measuring 115 acres and 29 guntas assessed at Rs. 97 were in the khate of Nagappa, and were enjoyed separately by 10 co-sharers (Hissedars), Nagappa being responsible for the whole kandayam to Government. The lands were called umbli, but there was no jari from them.

Registered No. 340, dated 22nd May 1889.

	A.	G.	Rs.		
† 16.	32—	31.	23	0	0
26.	20—	28.	17	0	0
35.	28—	10.	34	0	0
51.	33—	0.	23	0	0
	115—	29.	97	0	0

2. In 1887 Nagappa tendered a "Razinama" to Government for the 4 Survey Nos. above referred to. The co-sharers requested that the lands in their respective enjoyment might be entered in their respective khates, but their request could not be granted, as some one should have been held responsible to pay the total amount of kandayam due to Government, and accordingly the Amildar was called on to report if any individual among the co-sharers was willing to have the khate of the lands registered in his name and pay the kandayam to Government. Upon this, Sivappa having agreed to the arrangement, and the co-sharers also having offered no objection, the lands were ordered to be registered in the name of Sivappa in 1887.

3. In April 1888 Sivappa resigned Survey Nos. 35 and 51. The other co-sharers not being willing to take up Survey No. 35, the razinama was accepted and the land in question was resumed to Government.

4. Petitioner Timmappa, one of the hissedars, came forward and solicited that Survey No. 51, measuring 33 acres and assessed at Rs. 23, might be registered in his name, and said that he would be responsible for the kandayam due by the other shareholders also. Some of the other co-sharers having objected to this proposal, and some having applied for the land being registered in their own names, an order was issued to the Amildar directing him to accept the razinama tendered by Sivappa, and enter it as Sarkar land in the books. This order was passed by the Officiating Deputy Commissioner under Potgi Rule XXVII. It may be noted here that the co-sharers were not holders of recognized shares, but it would appear that each co-sharer was in separate enjoyment of his own share.

5. The Survey No. 51, as above remarked, is only nominally umbli and bears the full beriz.

No. 3736—117, DATED BANGALORE, 14TH AUGUST 1889.

ORDER THEREON.—Under the circumstances stated in the letter read above, the Government direct that Survey No. 51 be registered jointly in the names of all the sharers who may wish to retain the land. They will be jointly and severally responsible for the assessment due on the land which may be shown as Jodi in the accounts.

2. After the land is registered jointly in the names of the several sharers, no relinquishment from a single sharer should be accepted without the consent of the remaining share-holders. If the jodi is not paid, the land should be declared forfeited by Government and the same sold in public auction under Section 159 of the Revenue Code.

R. VIJAYINDRA RAO,
Chief Secretary.

To—The Deputy Commissioner, Shimoga District.

Editor's table

LR 39-98-3

1889.

GOVERNMENT OF MYSORE.

REVENUE

PROCEEDINGS.

Dated 11th August 1889.

No. 3736
117.

Passing orders on the Petition of Gaud Timmappa of Jekkankoppa, Shikarpur Taluk.

Mysore Govt. Central Press, Bangalore.—14-9-89.—80.